

DECISION



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Mr. Riedinger
**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

FILE: B-196634

DATE: December 13, 1979

MATTER OF: Mr. Henry T. Dressler

DIGEST: The barring act, 31 U.S.C. 71a, establishes the time within which a claim against the Government must be received in the General Accounting Office in order to be considered on its merits and this Office has no authority to disregard its provisions or to waive the time limitation it imposes. Therefore, a claim for additional compensation by a former employee of the U.S. Army ("Polish Guard") during 1946-1949 in occupied Germany is barred from consideration because it was first received over 28 years after the services were rendered. 20

This action is in response to a letter from Mr. Henry T. Dressler appealing a settlement by our Claims Division which disallowed his claim for additional compensation believed due for service rendered the United States Army as a civilian employee from July 1946 through January 1949 in occupied Germany as a member of the "Polish Guard." The disallowance was based on the provisions of the barring act, as amended, 31 U.S.C. 71a (1976).

Mr. Dressler contends that the additional compensation in question is payable as a result of a law which was enacted after he performed that service and that it was only recently he learned of his rights. Further, it is his view that the provisions of the barring act should not apply in his case because the Government did not notify him of his possible additional entitlement.

Mr. Dressler's claim against the United States is subject to settlement in the General Accounting Office. 31 U.S.C. 71 (1976). As such it is also subject to the barring act of October 9, 1940, ch. 788, 54 Stat. 1061, as amended by section 801 of Public Law 93-604, 88 Stat. 1959, 1965, 31 U.S.C. 71a, which provides in part:

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"Every claim * * * against the United States cognizable by the General Accounting Office * * * shall be forever barred unless such claim * * * shall be received in said office within 6 years after the date such claim first accrued. * * *"

The barring act does not merely establish administrative guidelines for this Office. It specifically prescribes the time within which a claim must be received in this Office following the date of accrual in order for it to be considered on its merits. We have no authority to disregard the provisions of that act or waive the time limitation it imposes. 42 Comp. Gen. 622 (1963).

It does appear that Mr. Dressler was employed by the United States Army during the occupation of Germany following World War II for which he indicates he received some compensation. However, we are unaware of any subsequently enacted law whereby an individual in Mr. Dressler's situation became entitled to additional compensation for the performance of such services.

It also appears that such rights as Mr. Dressler had to compensation accrued no later than January 1949 when his services terminated. If he did not receive all monies otherwise due him, a claim had to have been made here within the time period established for receipt or be forever barred from consideration. Our file shows that the first notice we had of any claim from Mr. Dressler was received here on March 14, 1977, more than 28 years after his services terminated.

Therefore, in the absence of a showing by him that a law granting him additional compensation for those services was subsequently enacted and that he made a timely claim thereafter, there is no basis upon which his claim can be considered.

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Accordingly, the action taken by our Claims Division
in this case is sustained.

Milton J. Arosen

For The Comptroller General
of the United States